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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,063	06/22/2005	Peter Geigenberger	13311-00008-US	4909
23416 7590 05/31/2007 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899			EXAMINER BAGGOT, BRENDAN O	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/540 063

EXAMINER

ART UNIT

PAPER

20070527

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

1. The reply filed on 3/7/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): A lack of unity was made on 5/23/06. (See Requirement for Restriction/Election mailed 5/23/06). Applicant elected Group II and (a) - hemoglobin of SEQ ID NO: 5 encoding SEQ ID NO: 6. Absent from applicants election is leghemoglobin or SEQ ID NO: 1 or (b). (See applicant's response, page 7, 2<sup>nd</sup> paragraph). Since all the claims are now directed to a non-elected invention, no claims can be examined on the merits. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan O. Baggot whose telephone number is 571/272-5265. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571/272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brendan O. Baggot  
Patent Examiner  
Art Unit 1638

Phuong T. Bui  
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bob